



PopplestonAllen

# Your **guide** to the Live Music Act

# Introduction

In this blog, we look into the live music act and how it can affect your business.

Whether you're a pub, bar, restaurant or event space, live music can attract new customers, boost sales, and create a welcoming, enjoyable atmosphere.

At Poppleston Allen we have years of experience helping businesses obtain the required licences needed to host live music. If you have any questions, please [get in touch](#).

## What is the Live Music Act?

The Live Music Act (The Act) came into force on 1st October 2012 and deregulates live music.

The Legislative Reform (Entertainment Licensing) Order 2014, in force from 6th April 2015, further deregulates live music and recorded music.

## What is the Effect of The Live Music Act for Live and Recorded Music

The Live Music Act removes the licensing requirements for live music and recorded music where:-

- There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises

- If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people

## **Existing Conditions Attached to a Premises Licence or Club Premises Certificate**

The Live Music Act also disapplies any live music and recorded music-related conditions which appear on your premises licence, providing the above criteria are satisfied.

However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

EXAMPLE CONDITION:-

- All doors and windows to be shut whilst live music is being played – this would not apply operating within the above criteria

## **Workplaces and Unamplified Live Music**

If live amplified music is taking place in an area not shown on your licensed layout plans, for example in a beer garden, it is still not licensable due to the so-called 'workplace' exemption under the Act (again between 8am-11pm and to an audience of no more than 500).

The workplace exemption does not apply to recorded music. Neither does it suspend music-related conditions, so if for example you had a condition stating, 'No live music in the beer garden' and you were relying



upon the workplace exemption you would still have to comply.

If the music is unamplified live music, providing it takes place between the hours of 8am and 11pm, it is not licensable anywhere regardless of the number of people in the audience.

## **Live Music in Entertainment Facilities**

The Act also removed the licensing requirements for so-called 'entertainment facilities,' which covered such diverse items as microphone stands, dancefloors and amplifiers. These are no longer licensable in any way, although they do sometimes still appear (erroneously) on licences that have not been updated.

## **Protection for Local Residents**

There are a number of mechanisms for the protection of residents and these are:-

- Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm
- Again, at a Review if the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can determine that live or recorded music at the premises can no longer be provided without permission on the Premises Licence (thus requiring a Variation) or a Temporary Event Notice, and can add new conditions to the Premises Licence
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow

licensed premises to cause a noise nuisance.

## **Live Music FAQs**

There are a number of mechanisms for the protection of residents and these are:-

### **Can I have a DJ in my beer garden until 11pm?**

If your beer garden is licensed for the sale of alcohol then you can play both live and recorded music until 11pm.

### **I have a condition on my premises licence requiring me to have a noise limiter – can I ignore it?**

Playing amplified low-level background music may be exempt from needing a licence. What constitutes background music depends on different factors, such as the volume or whether the music is a significant part of the ambience or attraction.

### **Sometimes I play low-level background music which is amplified – is this exempt?**

Playing amplified low-level background music may be exempt from needing a licence. What constitutes background music depends on different factors, such as the volume or whether the music is a significant part of the ambience or attraction.

### **Are DJ's classed as live music?**

Whether or not a DJ is classed as live music depends on how they are performing. If they are playing recorded music, then they are likely to be classed as recorded music. However, if they are mixing or manipulating music to create new and original sounds then this can be seen as live music.

### **Does the “audience” figure of 500 people include staff or performers?**

No, it does not include staff or performers.

### **If I rely on the workplace exemption to have a band in my unlicensed beer garden, does a condition on my premises licence prohibiting live music in the beer garden apply?**

Yes, if you have a condition on your premises license prohibiting live music in your beer garden then it will likely still apply, even if you are relying on the workplace exemption for the band. The workplace exemption allows for live music in certain situations without requiring a licence, however it does not override any existing conditions in your licence that restrict music in the beer garden.

When you're not sure it's best to get a professional opinion. Please [contact us](#) for advice on the above and any other licensing questions.

## **Music Copyright**

The Act does not remove the requirement for copyright permission to play live and recorded music from [PPL / PRS](#), this is covered by separate legislation.

# PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

**popall.co.uk**

**Nottingham:** 0115 953 8500

**London:** 020 3859 7760

**Licensing law. We get it.**